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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Respondent, No. CR S-03-103 FCD EFB P  
  
vs.  
  
KAMALJIT SINGH KHERA,  
  
Movant. ORDER

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On July 23, 2008, movant, a federal prisoner proceeding with counsel, filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. On November 19, 2008, he filed an amendment to Claim Two of his motion. Thereafter, on December 1, 2008, he filed exhibits to his “amended” motion. He has not complied with the rules applicable to amended pleadings.

Rule 15(a) of the Federal Rules of Civil Procedure provides that a party may amend his pleading once as a matter of course at any time before a responsive pleading is filed. A responsive pleading has not been filed and an amendment, once as a matter of course is permissible here. However, the Local Rules require that “every pleading to which an amendment or supplement is permitted as a matter of right or has been allowed by Court order shall be retyped and filed so that it is complete in itself without reference to the prior or

1 superseded pleading.” L.R. 15-220; *see also* Rule 12, Rules Governing Section 2255 Motions  
2 (stating that the Federal Rules of Civil Procedure may be applied to § 2255 motions when  
3 appropriate.)

4 Movant has not retyped the amended motion so that it is complete in itself without  
5 reference to the July 23, 2008 motion and his amended pleading has not been properly filed.

6 Accordingly, it is ORDERED that the court will take no action on the amended motion.  
7 If movant wishes to proceed on an amended motion, he has 30 days from the date this order is  
8 served to file an amended motion that complies with the federal and local rules of procedure.

9 Dated: May 21, 2009.

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12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
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